IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3257 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MITT GASES PVT LTD - Petitioner(s)
Versus
GUJARAT ELECTRICITY BOARD & 2 - Respondent(s)

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Appearance :
MR BM MANGUKIYA for Petitioner(s) : 1,
MR AD OZA for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 15/12/2006

ORAL JUDGMENT

1. In the present petition, the petitioner a Private Limited Company has challenged a supplementary bill issued by the respondents on

18th July, 1998 seeking recovery of Rs.2204082.40 ps. The petitioner has also challenged the appellate order dated 27th March, 2000 passed by the Appeal Committee in the appeal filed by the petitioner challenging the supplementary bill.

2. By an order dated 4th May, 2000, passed by learned Single Judge of this Court, the petitioner was permitted to pay the disputed amounts in installments. Upon payment of the first installment, the respondent-Board was required to restore the electric connection of the petitioner.

3. It is jointly stated by the learned advocates appearing for the parties that the electric connection was eventually restored and in due course of time, the petitioner also paid up the entire amount as agreed and thus entire supplementary bill amount has been recovered by the Board.

4. Having heard learned advocates on merits of the challenge, I find that there are large number of disputed questions of facts. It was the case of alleged theft of electricity which the Inspecting Authorities of the Board detected for which supplementary bill came to be issued. The appellate committee also applied its mind and turned down the challenge of the petitioner. In a writ petition, therefore, it would not be

possible to adjudicate the questions involved. Writ petition in such a case would not be an appropriate remedy.

5. The petition is therefore, disposed of finding that such disputed question of facts cannot be adjudicated without full fledge trial and permitting both the sides to lead evidence on record.

6. With these directions, the petition is disposed of. It would be open for the petitioner to pursue such legal remedy as may be available under the law to question the supplementary bill.

7. Rule is discharged. Interim Relief is vacated. No costs.

(Akil Kureshi, J.)

(raghu)